



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/708,448 : Confirmation No.: 2447
Applicant: Michael Tobin, et al. : Group Art Unit: 2832
Filed: March 4, 2004 : Examiner: NYA
Docket No.: 41PR-133546 (GEN-0350) :

For: METHOD AND APPARATUS FOR MAGNETICALLY TRIPPING CIRCUIT
BREAKERS

August 2, 2004

PETITION UNDER 37 CFR 1.47(a) IN LIEU OF
INVENTOR'S SIGNATURE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present application includes five inventors, with four of the five providing an executed Declaration. Applicant's attorneys have corresponded with inventor Hemant Mody with regard to the necessary Declaration. However, to date, inventor Hemant Mody remains a non-signing inventor. According to a July 22, 2004 email from the inventor's attorney Scott Lucas at the law firm of Martin, Lucas & Chioffi, LLP, it is understood that Mr. Hemant Mody will not be signing anything at this time. Therefore, Applicant's attorneys respectfully submit that all evidence points to inventor Hemant Mody's refusal to sign the necessary Declaration.

As evidence of the diligent efforts made to obtain an executed Declaration from inventor Hemant Mody, attached to this petition is a Declaration of Applicant's attorney David Arnold.

Additionally, attached hereto are copies of the Declarations executed by the four inventors who returned signed copies of the Declaration with unsigned signature blocks left blank to indicate that these inventors have signed on behalf of the unavailable inventors in accordance with MPEP 409.03(a).

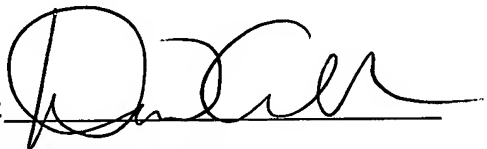
08/04/2004 EFLORES 00000116 061130 10708448

01 FC:1460 130.00 DA

This petition is also accompanied by a Fee Transmittal indicating the inclusion of a \$130.00 fee in accordance with 37 CFR 1.47(a). However, in the event the Commissioner of Patents deems that any additional fee is required in connection with this application, Applicants' attorneys authorize that such fee be charged to Deposit Account No. 06-1130. Please direct any inquiries to the undersigned.

In accordance with 37 CFR 1.136(a), a petition for extension of time for one month from July 21, 2004 to August 21, 2004 and the requisite fee is included. The Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any additional fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,
CANTOR COLBURN LLP
Applicant's Attorneys

By: 

David Arnold
Registration No: 48,894
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/708,448 : Confirmation No.: 2447
Applicant: Michael Tobin, et al. : Group Art Unit: 2832
Filed: March 4, 2004 : Examiner: NYA
Docket No.: 41PR-133546 (GEN-0350) :

For: METHOD AND APPARATUS FOR MAGNETICALLY TRIPPING CIRCUIT
BREAKERS

August 2, 2004

DECLARATION OF DAVID ARNOLD, Esq.

I, David Arnold, on oath, depose and state of my own personal knowledge the following:

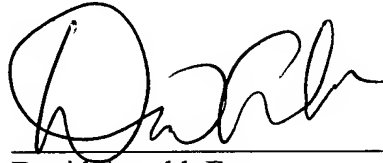
1. I am currently employed as an attorney with the law firm of Cantor Colburn LLP, 55 Griffin Road South, Bloomfield, Connecticut 06002.
2. On June 17, 2004, I sent a Federal Express package, through my assistant Mary Forcier, to Dr. Hemant Mody at 48 Avonwood Road, Apt. 20, Avon, Connecticut 06001, with a request to sign, date, and return a newly executed Declaration and Assignment relating to the subject application. The Federal Express package included a pre-paid Federal Express return envelope.
3. The Federal Express package was signed as received from "N.MODY" on June 23, 2004.
4. On July 2, 2004, I received a letter from attorney Scott Lucas at the law firm of Martin, Lucas & Chioffi, LLP, informing me that his firm was representing Dr. Mody, and that any discussions with Dr. Mody should now be directed to his firm.
5. From July 2 to July 22, 2004, I had several communications with attorney Scott Lucas regarding the signature of Dr. Mody on the subject Declaration.

6. On July 22, 2004, I received an email from attorney Scott Lucas stating: "I understand from Hemant that at this time he will not be signing anything."

7. To date, inventor Hemant Mody has not provided a newly executed Declaration.

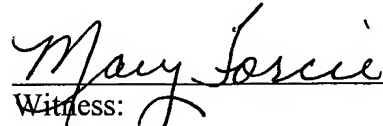
I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code.

Date: August 2, 2004



David Arnold, Esq.

Date: August 2, 2004



Witness:

MARY FORCIER
NOTARY PUBLIC
MY COMMISSION EXPIRES FEB. 28, 2007

